



***Environmental
Planning
Commission***

***Agenda Number: 4
Project Number: 1007922
Case Number(s): 09EPC-40048
September 17, 2009***

Staff Report

| | |
|---------------------------------|--|
| <i>Agent</i> | Scott C. Anderson |
| <i>Applicant</i> | St. Micheal and All Angels Episcopal Church |
| <i>Request(s)</i> | Zone Change Request Amend Site Development Plan for Building Permit |
| <i>Legal Description</i> | Lots 5A, 9A & 10A |
| <i>Location</i> | Montano Road between 4 th Street and 9 th Street |
| <i>Size</i> | Approximately 2.36 acres |
| <i>Existing Zoning</i> | R-1 |
| <i>Proposed Zoning</i> | SU-1 for Church & Related Facilities & A Day Care Center |

Staff Recommendation

30 day DEFERRAL of 09EPC 40048

Staff Planner

Randall Falkner, Planner

Summary of Analysis

The applicant is requesting a 30 day deferral.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 08/10/2009 to 08/21/2009.
Agency comments used in the preparation of this report begin on Page #.

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

| | <i>Zoning</i> | <i>Comprehensive Plan Area; Applicable Rank II & III Plans</i> | <i>Land Use</i> |
|---------------------|--|---|----------------------------|
| <i>Site</i> | SU-1 for Church & Related Facilities & A Day Care Center | Established Urban North Valley Area Plan | Public Facility |
| <i>North</i> | R-1 | same as above | Single Family |
| <i>South</i> | R-1, RA-2, SU-1 Beauty Shop | same as above | Single Family, Agriculture |
| <i>East</i> | R-1 | same as above | Single Family |
| <i>West</i> | R-1 | same as above | Single Family |

Background

This is a request for a zone map amendment from R-1 to SU-1 for Church & Related Facilities & A Day Care Center, and a request for an amendment to the site development plan for building permit on a 2.36 acre portion of land located on Montano Road between 4th Street and 9th Street. The site comprises Lots 5A, 9A, and 10A, Zapf. Van Addition #10. The applicant is requesting an addition to the existing church that will be used for offices and adult education, and expansion of the existing parking lot.

History

In 2007 St. Michael and All Angels Episcopal Church purchased Lot 10A from Dos Hermanos Restaurant Group that had been using the property as a corporate office. A zone map amendment was approved for this site from R-1 to SU-1 for O-1 in **2006 or 2007?** A site development plan for building permit (07EPC 40028) was approved in 2007. However, the Church missed the deferment deadline set by the DRB so the property reverted to back the original zoning, R-1.

Context

The subject site is surrounded by single family residential and R-1 zoning on all sides. In addition to single family residential and R-1 zoning, the property to the south across Montano also has agriculture land use, RA-2 zoning, and SU-1 Beauty Shop.

Long Range Roadway System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System designates Montano Boulevard as a Minor Arterial, with a right-of-way of 86'.

There is an existing bicycle land along Montano Boulevard.

Route #157 (Montano) passes by the subject site. The nearest bus stops are located on Montano at 4th Street (approximately 900 feet away) and on Montano and Guadalupe (approximately 1400 feet away).

Montano Boulevard is designated as an Enhanced Transit Corridor.

Public Facilities/Community Services

Public facilities and/or community services in the area include the following: Columbus Park, Grecian Park, Goodrich Park, North Valley Little League Park, Anderson Field Open Space, Los Griegos Branch Library, McArthur Elementary School, Alvarado Elementary School, Griegos Elementary School, La Luz Elementary School, Valley High School, and a police substation.

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The existing zoning is R-1. The R-1 zone provides suitable sites for houses and uses incidental thereto in the Established and Central Urban Areas. The requested zoning is SU-1 for Church & Related Facilities & A Day Care Center. The SU-1 designation refers to the Special Use zone. The SU-1 zone (see Zoning Code Sec. 14-16-2-22) provides suitable uses for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design. Development on an SU-1 zone may “only occur in conformance with an approved site development plan” that is subject to Environmental Planning Commission (EPC) review. The applicant has provided an accompanying site development plan for building permit.

Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; ***Staff Analysis is in Bold Italics***

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a Goal to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment. Applicable policies include:

Policy II.B.5a: The Established and Developing Urban areas as shown by the plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

The proposed zoning/site development plan will allow a full range of urban land uses and will be compatible with the surrounding zoning and uses. The request does not increase residential density and would provide infill development in the form of a neighborhood retail grocery store. The request would add commercial land use to neighboring single-family residential, office, commercial, and public facility land uses. The request furthers Policy II.B.5a.

Policy II.B.5d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

The location, intensity, and design of the new development respects existing neighborhood values and environmental conditions. The subject site is surrounded by like uses (commercial or office) to the south, southwest, east, and west. Commercial uses have occupied this property since the mid 1970's, including a Smith's grocery store, and most recently, a Western Warehouse. The request will use the existing building and will give the EPC site plan control of the site with the proposed SU-1 zoning. Pedestrian pathways and landscaping will be upgraded at the subject site. The request furthers Policy II.B.5d.

Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

Full urban services are currently available to the proposed subject site. The integrity of existing neighborhoods would be ensured by upgrading to the SU-1 zoning designation, and adding a commercial use that would complement residential areas and improve the neighborhood. The request will provide infill development in an area that needs commercial development. The request furthers Policy II.B.5e.

Policy II.B.5o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

The proposed zoning/infill development will help to redevelop the site and strengthen the existing neighborhoods in the Established Urban Area. The request furthers Policy II.B.5o.

Policy II.B.5p: Cost-effective redevelopment techniques shall be developed and utilized.

This request emphasizes private investment as a primary means to achieve redevelopment objectives. The request furthers Policy II.B.5p.

Water Conservation/Green Principles

(analysis)

North Valley Area Plan (Rank II)

The North Valley Area Plan (NVAP) was first adopted in 1993. The North Valley Area Plan is bounded by Bernalillo County/Sandoval County on the north, Interstate 40 on the south, Interstate 25 on the east, and the Rio Grande on the west. Applicable policies include:

Policy 2d(Zoning and Land Use): Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.

The request would directly support this Policy by rezoning a property to its present use, which is currently residential. Zoning and Land Use Policy 2g of the North Valley Area Plan is furthered by the zoning change request.

Resolution 270-1980 (Policies for Zone Map Change Applications)

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

The request would provide SU-1 zoning that could only occur in conformance with an approved site development plan that is subject to EPC review. The applicant has provided an accompanying site development plan for building permit that improves pedestrian connections and increases landscaping. The request would provide an occupant for a building that has been vacant for several years. These improvements would enhance the

property value of this site. The project would be consistent with the health, safety, morals, and general welfare of the City.

- B. Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not the City to show why the change should not be made.

Commercial zoning and land uses surround the property to the east, west, and south. The proposed zoning is compatible with adjacent zoning and land use. The applicant has cited a number of policies in the Comprehensive Plan that are furthered by the request.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City.

The zone change request is not in conflict with elements of the Comprehensive Plan. Applicable goals and policies of the Comprehensive Plan have been cited.

- D. The applicant must demonstrate that the existing zoning is inappropriate because:

- (1) there was an error when the existing zoning map pattern was created, or
- (2) changed neighborhood or community conditions justify the change, or
- (3) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (1) or (2) above do not apply.

(3) The applicant has shown that a different use category is more advantageous to the community by furthering a preponderance of policies in the Comprehensive Plan. The zone change request would allow a full range of urban land uses, respect existing neighborhood values, allow for needed infill development while ensuring the integrity of the neighborhood, allow for redevelopment and rehabilitation of an older neighborhood, encourage economic development, and improve pedestrian opportunities.

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood or the community.

The change would not result in harmful conditions for the adjacent property, neighborhood, or the community. The site (the restaurant immediately to the east of the proposed grocery store) already allows the sale of beer and wine for on premises consumption. If the use is approved by the EPC, the applicant will have to attend subsequent liquor hearings before a license is granted by the New Mexico Liquor Control Board.

- F. A proposed zone change which, to be utilized through land development, requires major and un-programmed capital expenditures by the City may be:

- (1) denied due to lack of capital funds, or

- (2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.

The property is already served by City infrastructure and does not require major and un-programmed capital expenditures by the City.

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

The cost of land or other economic considerations are not the determining factor for the requested zone change.

- H. Location on a major street is not in itself sufficient justification of apartment, office or commercial zoning.

Street location has been noted, but the request does not ask that it be considered as sufficient justification in itself for the zone change.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
- (1) The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or
 - (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises make the site unsuitable for the uses allowed in any adjacent zone.

The request does create a spot zone; however, the applicant has demonstrated that the proposed zone change would clearly facilitate realization of the Comprehensive Plan.

- J. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where;
- (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan,
 - (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The request does not constitute a strip zone.

ANALYSIS OF SITE DEVELOPMENT PLAN FOR (SUBDIVISION) (BUILDING PERMIT)

Site Plan Layout / Configuration

compatibility with surrounding development
orientation of building(s), parking, dumpster, etc.
height, setbacks, open space, f.a.r.

Walls/Fences

(text)

Vehicular Access, Circulation and Parking

(text)

Pedestrian and Bicycle Access and Circulation, Transit Access

(text)

Lighting and Security

(text)

Landscaping

(text)

Public Outdoor Space

(text)

Grading, Drainage, Utility Plans

(text)

Architecture

(text)

Signage

(text)

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

(only significant comments or outstanding issues that affect the request, otherwise refer to the agency comments at the end of the staff report)

NEIGHBORHOOD/PUBLIC CONCERNS

(text)

CONCLUSIONS

(text)

FINDINGS - (CASE NO.) (DATE) (REQUEST)

1. These “findings” and “conditions” paragraphs have been formatted to allow a three-line spacing between each paragraph. Copy & paste the entire section for cases with multiple sets of findings and recommendations.
2. The Albuquerque/Bernalillo County Comprehensive Plan,... and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
3. (text) (continue as needed)

RECOMMENDATION - (CASE NO.)(DATE)

APPROVAL DENIAL DEFERRAL of #####, a (request description), for (legal description), based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - (CASE NO.)(DATE)(REQUEST)

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. The applicant shall demonstrate how the Water Management Goal, Section II.D.2 of the Comprehensive Plan, is furthered.
4. The applicant shall demonstrate how the Energy Management Goal, Section II.D.3 of the Comprehensive Plan, is furthered.

5. (text) (continue as needed)

(Planner's Name)
(Title)

cc: St. Michaels & All Angels Episcopal Church, 601 Montano Rd. NW, Albuquerque, NM 87107
Scott C. Anderson, 601 Montano Rd. NW, Albuquerque, NM 87107
Chris Catechis, Los Pablanos N.A./North Valley Coalition, 5733 Guadalupe Tr. NW,
Albuquerque, NM 87107
Steve Ranieri, Los Pablanos N.A., 505 Sandia Rd. NW, Albuquerque, NM 87107

Attachments

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Provide Motorcycle parking signs
Provide parking bumpers along Northern side to east of new addition
Increase sidewalk width to 6' along new addition
Maximum height of light poles is 16 feet
Provide square footage of each landscape area

Office of Neighborhood Coordination

Los Poblanos NA (R)
North Valley Coalition
8/10/09 – Recommended for Facilitation – siw
8/10/09 – Assigned to Diane Grover - swatson

Long Range Planning

CITY ENGINEER

Transportation Development Services

- All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
- If applicable, the Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
- Site plan shall comply and be designed per DPM Standards.

Traffic Engineering Operations

Hydrology

- The Hydrology Section has no objection to the site plan amendment.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

- Reviewed, and no comments regarding on-street bikeways, off-street trails or roadway system facilities.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No comments received.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT
and NMDOT:**

Conditions of approval for the proposed Site Development Plan for Building Permit Amendment shall include:

- a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
- b. If applicable, the Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
- c. Site plan shall comply and be designed per DPM Standards.

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Reviewed; no objection. Request does not affect our facilities.

Open Space Division

Open Space has no adverse comments

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Disapproved – need to have double enclosure or have 2 enclosures. Call 761-8336.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

| | |
|----------------------------|-------|
| Adjacent and nearby routes | None |
| Adjacent bus stops | None |
| Site plan requirements | None |
| Large site TDM suggestions | N/A |
| Other information | None. |

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

This will result in no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

No comment based on the information provided to date.